IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 34416 of 2007(V)

PETITIONER:

MOOSA KOYA P.M.,
PUTHUKULANGARA MEETHAL HOUSE, KUNNATHARA P.O.,
KOYILANDY, KOZHIKODE DISTRICT.

BY ADV. SRI.SANTHARAM.P.

RESPONDENTS:
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1. **KERALA PUBLIC SERVICE COMMISSION,**
   REPRESENTED BY ITS SECRETARY, PATTOM,
   THIRUVANANTHAPURAM.

2. **SECRETARY,**
   DEPARTMENT OF LABOUR AND REHABILITATION,
   GOVT. OF KERALA, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. BEJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C)No. 34416 of 2007

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Dated this the 10th day of December 2007

JUDGMENT

The petitioner applied for the post of District Executive Officer/Additional District Executive Officer (Category No.89/2003) in the Kerala Motor Transport Workers Welfare Fund Board. The qualification prescribed for the said post included LL.B degree with specialization in labour law. The petitioner contends that he had passed LL.B in April 2001, as evidenced by Ext.P1. Ext.P2 is the consolidated mark list for the final year LL.B Course. Petitioner appeared for the written examination and was later directed to produce self attested documents to prove this qualification. He attended an interview, and according to him, he had produced the originals of the certificates of B.A.&LL.B for scrutiny. According to him, at the time of interview, the Board raised a doubt regarding the year of passing of LL.B examination. Apparently, thereafter he produced Ext.P7 from the Principal of the institution where he studied to show that he had completed his course in April 2001. Petitioner submits that he sent Ext.P7 along with Ext.P8. Petitioner was not included in the final rank list.

2. Learned standing counsel, on instructions, submits that the petitioner was required to produce the final year mark list and what

was produced was a consolidated mark list. In circumstances where the petitioner had actually passed LL.B. examination in April 2001 and he produced the degree certificate evidencing the said fact, veracity of his claim and acquisition of his qualification could have been done with reference to the degree certificate. There is also Ext.P7 certificate showing the period during which he has completed the course. Subject to verification of the authenticity of these documents, the petitioner could be treated as qualified, in my view, considering the fact that the petitioner seems to have acquired the LL.B degree in the examination held in April 2001.

3. For all these reasons, the first respondent is directed to consider the claim of the petitioner. On intimation from the first respondent, the petitioner shall produce all the original documents except those documents the original of which has already been made available, before the first respondent. Needful shall be done within a period of three weeks from the date of receipt of a copy of this judgment and if the petitioner's claim is found to be acceptable in terms of the observations made above, he shall be included at the appropriate place in the rank list.

The writ petition is disposed of as above.

V.GIRI, JUDGE

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